IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22023 of 2004

Between:

O. Rukminamma W/o Lakshumaiah Implementing agency
Mandal Praja Parishad School, (Harijanawada), Parlapadu (V), Kadapa District

..... PETITIONER

AND

1 The District Collector, Kadapa
2 The Mandal Revenue Officer, Rajupalem Mandal, Kadapa

District
3 The Mandal Education Officer, Mandal Parishath Rajumpalem

Mandal, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue order or Writ more particularly in the nature of Mandamus declaring the action of the Respondents in discontinuing the services of the petitioner as implementing agency to implement Mid-day Meals in the MPP School (Harizanawada), Parlapadu Village, Kadapa District, as illegal, arbitrary and unjust and consequently direct the respondents to continue the petitioner as implementing agency to implement Mid day Meals in the MPP School, (Harizanawada) Parlapadu Village, Kadapa District.

Counsel for the Petitioner: MR.G.SRINIVASULU REDDY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court, at the admission stage, made the following:

–

–

–

–

–

THE HON'BLE SRI JUSTICE N.V. RAMANA

–

W.P. No. 22023 of 2004

O r d e r:

By this writ petition, the petitioner in effect is seeking a direction to the respondents to continue her as Implementing Agency to implement Mid-day Meals in the M.P.P. School (Harizanawada), Parlapadu village of Kadapa District (for short "the School").

The petitioner claims to be Implementing Agency for implementation of Mid-day Meals in the School since 16-12-2002. She alleges that without issuing any notice to her and without conducting any enquiry and without following the procedure laid down in G.O. Ms. No.94, Education (SE-PROG-1) Dept., dated
26-11-2002, the second respondent-Mandal Revenue Officer of Rajupalem Mandal by his letter in dated 06-10-2004, issued in pursuance of the instructions of the first respondent-District Collector, Kadapa, discontinued her services as Implementing Agency, at the instance of rival political group. Aggrieved thereby, the petitioner filed this writ petition.

Disputing the allegations made in the affidavit, filed in support of the writ petition, the third respondent-Mandal Education Officer filed counter affidavit. It is stated that there was gross negligence on the part of the petitioner in preparation of food for the School children and there are complaints from the parents of the children that the petitioner is not preparing the food properly, and that the children who ate the food prepared and served by the petitioner were falling ill and not keeping good health. It is also stated that based on the representations made by the parents of the children dated 29-03-2004, and the resolutions passed by the School Education Committee

dated 23-6-2004 and 05-07-2004 finding the petitioner guilty of the allegations made against her, and as per the orders of the third respondent, dated 24-6-2004 and 06-07-2004, the second respondent pursuant to the endorsement of the first respondent, passed the impugned order, dated 06-10-2004, discontinuing the services of the petitioner and appointing one
Smt. O. Subba Lakshmamma as Implementing Agency for implementation of the Mid-day Meals programme in the School, by duly following the procedure laid down in G.O. Ms. No.94, dated
26-11-2002. Thus, the third respondent prays to dismiss the petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The learned counsel for the petitioner submitted that without giving any notice and without conducting any enquiry and without following the procedure laid down in G.O. Ms. No.94, dated
26-11-2002, the services of the petitioner as Implementing Agency to implement the Mid Day Meals programme in the School were discontinued by the impugned order of the second respondent, at the instance of her rival political group, and therefore, the impugned order is illegal and arbitrary.

The learned Government Pleader for School Education submitted that on the representation made by the parents of the children and the villagers on 29-03-2004 to the third respondent complaining that the petitioner was not preparing the food properly and the food prepared and served by her was not nutritious, and was full of chilly powder, and that the children who ate the food prepared by the petitioner, suffered from stomach ache and other ailments. The School Education Committee, who enquired into the matter on 21-06-2004, passed resolution on 23-06-2004 finding the petitioner guilty of the allegations made against her and resolved to remove her as Implementing Agency with effect from
01-07-2004 and appoint one O. Subba Lakshmamma in her place, and forwarded the same to the third respondent-Mandal Education Officer, who passed affirmative orders and intimated the same to the petitioner, and thereafter communicated the same to respondent Nos. 1 and 2. He further submitted that thereafter on the representation made by the petitioner to the first respondent, her services were restored till completion of enquiry, and inasmuch as the parents of the children again made similar complaints against the petitioner in the enquiry, and based on the

resolution passed by the School Education Committee on 05-07-2004 and the orders of the third respondent on 06-07-2004, the second respondent passed the impugned orders removing the petitioner as Implementing Agency with effect from 12-07-2004 and appointing one O. Subba Lakshmamma in her place. He submitted that inasmuch as the impugned order was passed as per the procedure laid down in G.O. Ms. No.94, dated 26-11-2002, no interference is called for.

Though the petitioner contends that no enquiry whatsoever was conducted by the respondents before passing the impugned order removing her as Implementing Agency and appointing one Smt. O. Subba Lakshmamma, it is required to notice that earlier when the petitioner was removed as Implementing Agency by the third respondent, she made a representation to the District Collector, who directed that the petitioner be continued till the enquiry is completed. In the enquiry that was conducted by the School Education Committee, it is required to notice that the persons who made complaints against the petitioner and at whose instance the enquiry was conducted, among others stated that the petitioner was not preparing the food properly and that the food prepared and served by her was not nutritious and that the children who ate the food prepared by her are falling ill and not keeping good health. Therefore, the School Education Committee passed a resolution to remove the petitioner as Implementing Agency and appoint Smt. O. Subba Lakshmamma in her place. The third respondent, ratified the resolution passed by the School Education Committee, and taking into consideration the resolution of the School Education Committee, the orders of the third respondent and the instructions of the first respondent, the second respondent passed the impugned order removing the petitioner as Implementing Agency and appointing Smt. O. Subba Lakshmamma in her place. Since an enquiry was conducted by the School Education Committee, which found the petitioner guilty of the allegations made against her, no exception can be taken to the action of the second respondent in passing the impugned orders removing the petitioner as Implementing Agency and appointing Smt. O. Subba Lakshmamma in her place.

Be that as it may, Mid-day Meal Scheme is a social welfare scheme. The intendment of the scheme is to provide one square meal a day to school going children, who are unable to get it. The scheme apart from providing one square meal a day to school going children, to top it all, aims to secure 100% attendance of the children in schools in order to make them literate. The scheme, except benefiting the

children, should benefit none, and no one can expect to derive any benefit therefrom. If the children, who are the beneficiaries of the scheme, had complained that the scheme instead of benefiting them is posing problems to their health, and had specifically complained that the Implementing Agencies are not preparing the food properly, and that such food served by the Implementing Agencies, apart from not being tasty is resulting in posing health problems to them, there should be no reason to continue such Implementing Agencies in implementing the Mid-day Meal Scheme, and the second respondent had rightly approved the decision taken by the School Education Committee, to remove the petitioner as Implementing Agency and appoint

Smt. O. Subba Lakshmamma, which admittedly, as discussed above, was preceded by an enquiry.

In the above view of the matter, I find no merit in the writ petition, and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J

Date: 27th December, 2004

KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Kadapa
2 The Mandal Revenue Officer, Rajupalem Mandal, Kadapa

District
3 The Mandal Education Officer, Mandal Parishath Rajumpalem

Mandal, Kadapa District

4 Two CCs to GP for School Education, High Court of AP,

Hyderabad (OUT)

5 Two CD copies.